

1 and any other charges and stuff.

2 Q. So you got a private attorney. Okay.

3 That's fine. I was just curious.

4 A. I carried a lawyer's network card. For  
5 some reason, Mr. Morgan, when he saw it, he  
6 asked me what it was, and I said this is my  
7 lawyer attorney project, I need to use it to  
8 call my attorney, and for some reason it came  
9 up missing, it was taken out of my pocket.

10 Q. So let's get back to the Mail Boxes Etc.  
11 You were arrested at Mail Boxes Etc. on January  
12 10, 2001. Now, you said earlier that you  
13 walked in, they handed you a slip, you didn't  
14 bother to look at the slip in your mailbox?

15 A. Yeah.

16 Q. Okay. Now, you didn't bother to look at  
17 who the sender was on that?

18 A. Well, more than likely, when mail come to  
19 your mailbox, you know, for some reason, I  
20 usually look at the whatever company or  
21 corporation it come from, you know, I look for  
22 that. And so for some reason that day I didn't  
23 ---.

24 Q. You didn't look at the ---?

25 A. Yeah. I just --- you know, took it under

1 the notion that, you know, hey, this mail is  
2 --- if it's addressed to my box, it's for me,  
3 you know.

4 Q. Was it unusual to get packages at Mail  
5 Boxes Etc.?

6 A. No, it wasn't unusual. I mean, it was  
7 unusual to see that in particular because for  
8 some reason my instinct tell me, man, wait a  
9 minute, on a notion I just walked out with it.

10 Q. What?

11 A. On a notion I just walked out.

12 Q. Why did you have several Mail Boxes Etc.  
13 accounts. Why not just use one?

14 A. But I was incorporated in the State of  
15 Pennsylvania, and I had several businesses I  
16 wanted to do ---.

17 Q. You said you weren't incorporated in  
18 Pennsylvania. You said you were incorporated  
19 in other ---.

20 A. Well, I was trying to get incorporated.

21 Q. You were trying to get incorporated in  
22 Pennsylvania?

23 A. Yes. And I had several businesses that  
24 closed. My businesses consist of --- and off  
25 the record I will object to discussing business

1 matters.

2 Q. Well, you can object, but ---.

3 A. Okay.

4 Q. If you object to it.

5 A. I'm not --- this is my first time doing  
6 this.

7 Q. Okay. That's fine. I understand, you  
8 know.

9 A. You know?

10 Q. Okay.

11 A. And I wanted to incorporate with  
12 Harrisburg and get established because I was in  
13 the clothing business and beauty supply  
14 business and salon business. You know, so I  
15 was in the beauty business and trying to  
16 establish myself, okay, based on my past --- my  
17 past, you know, I was trying to establish that.  
18 At the same time I was still recovering from a  
19 nervous breakdown because I was going to  
20 testify to Social Security for many years, you  
21 know, and when I contacted doctors, they said  
22 you can do anything you want to do.

23 Q. Right.

24 A. And if you're trying to get yourself out  
25 of this situation, and yet, you know, get

1     yourself back on track.

2     Q.   Right.

3     A.   And that's basically what I was trying to  
4     do.

5     Q.   Right.

6     A.   At the same time I was seeing a doctor, I  
7     was going to my doctors every month, you know,  
8     and I was on medication at the time, too.

9     Q.   But still, though, why have mailboxes in  
10    many different buildings. I mean, why? How  
11    does that help you incorporate in Pennsylvania  
12    having multiple Mail Boxes Etc. boxes in  
13    different places?

14    A.   Objection.

15    Q.   Okay.

16    A.   I guess that was the thing to do.

17    Q.   And then that was the thing to do?

18    A.   Right. From my understanding.

19    Q.   Okay.

20    A.   I wanted to establish corporation.

21    Q.   And in order to establish that  
22    corporation, you thought you had to have  
23    multiple ---?

24    A.   I mean, I wanted more than one business.

25    Q.   Okay.

1 A. That's basically what it was for.

2 Q. Okay.

3 A. Not to ---

4 Q. Right.

5 A. Yeah.

6 Q. Okay. So again, to --- forgive me if I've  
7 asked this before, you didn't see who sent you  
8 a package that you picked up on January 10,  
9 2001?

10 A. No, I wasn't paying notice.

11 Q. And you didn't see who the package was  
12 addressed to, either?

13 A. No, I wasn't paying notice.

14 Q. Okay.

15 A. When I handed in the slip, it was about  
16 six seconds the guy gave me whatever it was,  
17 and from my understanding was the package was  
18 planted there by Agent Morgan and Kessler.

19 Q. I mean, that's what you're alleging?

20 A. No, that's what --- from my understanding  
21 in the investigation what really took place.  
22 It was said that Morgan put the package there  
23 and Kessler filled out the handwriting. So the  
24 package was placed there by agents.

25 Q. Right. And what about the packages that

1 were found in the other Mail Boxes Etc.?

2 A. I don't know nothing about those packages  
3 and like I said I was knocked sown without any  
4 form of communications, you know, I was knocked  
5 down.

6 Q. Were you present at your criminal trial?

7 A. Yes, sir.

8 Q. Okay.

9 A. And that's basically what I'm trying to  
10 figure. From hearing what went down at a  
11 criminal trial, which I want to place an  
12 objection.

13 Q. Okay.

14 A. You know, but basically that's what came  
15 after the investigation. I found out that  
16 there was no drugs in the State Pennsylvania at  
17 the time of my arrest. They said they did an  
18 interdecton --- interdiction of him, whatever,  
19 I'm not sure what that is. Interdiction where  
20 they take out --- well, you know, whatever  
21 drugs. I'm not sure what these procedures ---.

22 Q. So you're saying that in your criminal  
23 trial ---?

24 A. The procedures reached us --- the State  
25 Attorney General's office and York County

1 police officers when they do interdiction and  
2 there's certain procedures they followed. But  
3 I don't know. At that particular time, there  
4 was no contraband or drugs in the State of  
5 Pennsylvania when they placed the package at my  
6 mailbox.

7 Q. So when you were in your criminal trial,  
8 you didn't hear about any other drugs being  
9 found at any of your other Mail Boxes Etc.  
10 accounts?

11 A. That came to my knowledge, came to my  
12 knowledge, but at that time, I didn't know  
13 nothing about no packages coming to me in  
14 a ---.

15 Q. So as far as you're telling me now, you  
16 had no idea how, in those other Mail Boxes  
17 Etc., the drugs got mailed to those accounts?

18 A. Yeah, I don't have any idea.

19 Q. You don't know? Okay.

20 A. Objection.

21 Q. Okay. All right. Well, let's get back to  
22 your excessive force claim. I want you to go  
23 with me slowly step-by-step what happened when  
24 you left the Mail Boxes Etc., and I need you to  
25 tell me who of the Defendants did what to you



1 that you're alleging in your complaint.

2 A. All right. As I said, I think when I  
3 handed --- well, I took this slip from my  
4 mailbox, but I checked my box to see if any  
5 mail came. I took it to the clerk, there was  
6 two clerks, I'm not sure. And she --- they  
7 witnessed everything. And I walk out, and  
8 there was two big guys, I mean, just running  
9 toward me, you know, plain clothes, and I tried  
10 to go back and as a matter of fact, I dropped  
11 the box and I tried to move forward to the Mail  
12 Boxes Etc. door, you know. And at the same  
13 time, the truck was gaining speed and hit me.

14 Q. Where were you when the truck hit you?

15 A. I was in --- I was moving back. I think I  
16 was in --- it was the driver I think --- after  
17 you come out of Mail Boxes there's a little  
18 section ---.

19 Q. That's a street?

20 A. Yes, a little street or something, a  
21 little driveway.

22 Q. A driveway that hooks to the Mail Boxes  
23 Etc.?

24 A. Yeah. You got to the Mail Boxes and then  
25 you got the --- you go into the property, you



1 got a driveway.

2 Q. So you were in the road then when you're  
3 alleging that the van hit you?

4 A. In the parking lot. In the parking lot.

5 Q. You were in the parking lot?

6 A. Yeah.

7 Q. Okay. Now, what happened first? Are you  
8 alleging that you got tackled first by  
9 Westmoreland and Morgan, or are you alleging  
10 the van hit you first?

11 A. The van hit me first.

12 Q. The van hit you first before they tackled  
13 you. What happened after the van hit you, or  
14 you're alleging the van hit you; what happened?

15 A. The van hit me and I fell. I tried to get  
16 up, you know.

17 Q. How could they have tackled you if you  
18 were already on the ground? You're saying that  
19 the van hit you first, you fell down, but then  
20 you said they ran and they tackled you. If you  
21 were already on the ground, how could they  
22 tackle you?

23 A. When the van hit me, I tried to get up. I  
24 got up, I stumbled after I got up, and when I  
25 got up, that's when they tackled me.

1 Q. Why? I mean, how --- you alleged the van  
2 hit you and you just got up? I mean, how fast  
3 was the van going?

4 A. I don't remember how far it traveled, it  
5 wasn't traveling fast, but I know that it was  
6 moving and it hit me. At the time I felt ---  
7 it was a side hit and the time I fell, and I  
8 got up, it was just instinct. I got up, and by  
9 the time I got up, these guys was all over me.

10 Q. You said, when you left Mail Boxes Etc.,  
11 the first thing you saw was two plain-clothed  
12 men running towards you?

13 A. Yeah.

14 Q. How could ---?

15 A. I was walking to my car.

16 Q. Right. Did you see the van?

17 A. No, I didn't see it.

18 Q. All right. When you walked out of Mail  
19 Boxes Etc., what direction were the plain-  
20 clothed men coming, from your right or from  
21 your left?

22 A. From my right.

23 Q. They were from your right?

24 A. Now, one was --- I'm not sure, what I can  
25 only remember from my right.

1 Q. They were from your right?

2 A. One was coming directly --- running  
3 towards me, coming from some van or something  
4 he was in.

5 Q. Now what direction was the van coming in?

6 A. What direction was the van coming in. You  
7 have the Mail Boxes Etc., you got, I think it's  
8 a restaurant right there, ---

9 Q. You have to ---.

10 A. --- I think it's coming in ---.

11 Q. Because of this stenographer, you have to  
12 speak in terms of right and left, you can't  
13 just use your hands.

14 A. Yeah. But I'm trying to find out what's  
15 right and what's left because I'm picturing  
16 myself back in that situation. It's been a  
17 while.

18 Q. Right.

19 A. You know, so I'm trying to see if it's  
20 coming in from the east or the west, you know,  
21 I think it's coming from the east.

22 Q. Well, use right or left. You said you saw  
23 Agent Morgan and Westmoreland on your right.  
24 Now, where ---?

25 A. Left side. Left side. They were down

1 there saying look, the van was on the left.

2 The van was coming from the left. They was on  
3 my right.

4 Q. Did you see the van at all?

5 A. No, I didn't see no van.

6 Q. Okay. How do you know then that you  
7 didn't just run into the van accidentally? If  
8 you couldn't see the van and you were looking  
9 towards the right, how did you know that you  
10 weren't paying attention and ran into the van?

11 A. No, I couldn't have run into the van. It  
12 was a moving vehicle.

13 Q. How do you know it was a moving vehicle if  
14 you didn't see it?

15 A. Yeah, I saw it. By me moving away from  
16 the --- I can --- I had my head turned a little  
17 bit, is what I'm saying, I'm trying to figure  
18 out who's these guys that's coming toward me,  
19 just running and, you know, no form of  
20 identification. At the same time, just in a  
21 quick second, you can see, by me colliding with  
22 it you can see, boom, bang, hit, you know.

23 Q. But you didn't see the van?

24 A. I didn't see it at that moment. But upon  
25 impact, you know, I could tell. Upon impact,

1 you know.

2 Q. Now, couldn't the impact have happened  
3 just from you hitting it? I mean, the van  
4 couldn't have been going fast because you got  
5 up, you know. If you were going to get hit by  
6 a moving vehicle, not many people are going to  
7 get up and --- you know, from that. How do you  
8 known that you just didn't run into a stopped  
9 van?

10 A. No.

11 Q. You didn't see it, you were looking at  
12 Westmoreland and Morgan, how do you know that  
13 you just didn't run into a stopped van because  
14 you weren't paying attention, you were running?

15 A. I could tell the van was moving. I know,  
16 from my experience of driving and I could tell  
17 that the van was moving. And on impulse, on  
18 impulse, I got up. Because if something hits  
19 you, sometimes I was surprised if you can get  
20 up, just on impulse, and I got up.

21 Q. Did you go to the hospital at all for your  
22 injuries?

23 A. No. I didn't go to the hospital.

24 Q. Did you sustain any broken bones, any, you  
25 know, trauma? I mean, what damage did you

1 sustain? What injuries did you sustain?

2 A. Can you ask that question again? Can you  
3 repeat that?

4 Q. You are alleging a van hit you while it  
5 was driving. What injuries did you sustain?

6 A. Can I answer that?

7 Q. Yes.

8 A. First of all, the van was in the parking  
9 lot.

10 Q. Okay.

11 A. Okay. And it's moving. They're not going  
12 like it's 50 miles on the freeway. It's not  
13 going like 50 miles on the freeway, but it's  
14 going at a speed that is adjusted to the  
15 parking lot.

16 Q. I've asked you how ---?

17 A. Well, I'm trying to explain myself. And  
18 you know, if it's going to the speed that's  
19 going through this parking lot, and it hits  
20 you, then that doesn't necessarily mean it's  
21 going fast, but it's going to a speed where it  
22 hits you, you know, you're going to fall.

23 Q. Well, you said you didn't see the van, so  
24 you don't know how fast the van was going?

25 A. I don't know, but I know it was just going

1 just, you know, a normal speed, or a nominal  
2 speed, it was going at a speed that, the way he  
3 hit me, he was like an intention to stop me  
4 from being --- going any further, you know. It  
5 probably wasn't his intention to hit me like  
6 you running over somebody on the freeway, but  
7 it was going to a situation where, if I hit him  
8 with the van, I would stop him so that they can  
9 do whatever.

10 Q. So if you didn't see the van, you didn't  
11 know how fast it was going, and now it seems as  
12 though you're just kind of guessing that, well  
13 it must have been going kind of slow because  
14 you got up without any injuries. So because of  
15 that, you're just kind of assuming that the van  
16 was going slow. Those are also consistent with  
17 you running into a parked van.

18 A. From the record the van was moving. And  
19 I'm going to object to that.

20 Q. Okay. That's fine.

21 A. The van was moving. It was a moving  
22 vehicle, and it was moving.

23 Q. And what happened after the contact with  
24 the van?

25 A. I said ---.



1 Q. You said you got up.

2 A. I fell, and I was trying to get up when  
3 they all --- Agent Morgan, Agent Westmoreland,  
4 Peddicord, and other agents from the Federal  
5 Bureau of --- whatever on top of me.

6 Q. There wasn't anyone with you from the  
7 Federal Bureau ---?

8 A. Yeah, there was officers from the Federal  
9 --- FBI.

10 Q. Okay.

11 A. There was officers there.

12 Q. Okay.

13 A. And they asked if --- yes, there was  
14 officers there, there was federal officers.

15 Q. But I'm saying, what happened after you  
16 got up?

17 A. By the time I was trying to get up, they  
18 was all over me, they was tackling me. Next  
19 thing I know, they have their shoes all over my  
20 face, and they have their shoes in my neck, my  
21 back, and it was ---.

22 Q. Did you go to the hospital for any of  
23 those injuries?

24 A. Well, Agent Morgan --- Agent Westmoreland,  
25 I was in the cell after they transported me, I

61

1 was in the cell, and he came and he asked me if  
2 I wanted, you know, if everything was okay. At  
3 that time, I didn't know what was going on.  
4 You know, it wasn't my intention to bringing no  
5 lawsuit.

6 Q. That's not my question. Did you go to the  
7 hospital for any of the injuries?

8 A. I wasn't taken to the hospital by none of  
9 these officers.

10 Q. Did you ask to go to the hospital?

11 A. I don't remember.

12 Q. Did they take you to a doctor's office?  
13 Put in an ambulance and ---?

14 A. No, I wasn't.

15 Q. Did you ask for an ambulance? Did you ask  
16 for a doctor?

17 A. I was escorted by the van. The same van  
18 that hit me.

19 Q. Okay. Did you ask for an ambulance?

20 A. I wasn't even given a chance to speak.

21 Q. Did you just blurt out, hey, get me an  
22 ambulance. I'm hurt, or ---?

23 A. No, I did not.

24 Q. What physical injuries did you sustain?

25 A. Headaches, pain, backaches.

1 Q. Do you have any medical records at all of  
2 any of these? Doctors visits, hospital visits,  
3 photographs, anything of these injuries or ---?

4 A. Well, I went to --- I was going to the  
5 York County 'cause I was in York County all the  
6 time, so basically that's where I was going to,  
7 but I don't know if they put it in a record or  
8 write it down.

9 Q. I'm only referring to medical records.

10 A. Yeah.

11 Q. Do you have any medical records that said  
12 you were injured?

13 A. No, I don't have any medical records. I  
14 reported all my injuries after sustaining  
15 according to the medical record at the York  
16 County Prison because that's where I was  
17 retained until this day --- until, you know ---  
18 I was here.

19 Q. Well, I mean, Mr. James, it seems like  
20 what you're saying is, you know, you don't have  
21 any records of any of this and you're just  
22 saying ---.

23 A. I'm --- okay. Go ahead.

24 Q. You know, hey, trust me, I was injured.  
25 What do you have ---?

1 A. I reported it to the medical staff at the  
2 York County Prison. I was locked down in the  
3 hole for a couple days without any medical  
4 attention. I reported it several times. I  
5 reported it when I came to Danville. I  
6 reported in SCI Rockview let by it ---  
7 continuous back pain. You know, I suffered  
8 loss. My blood pressure is high.

9 Q. Are you alleging that your blood pressure  
10 is high because of this event, because of the  
11 arrest?

12 A. It's just continuous high blood pressure  
13 and continuous back pain.

14 Q. Anything else? Any other injuries you  
15 sustained ---?

16 A. Loss of weight.

17 Q. Okay. So the injuries you suffered as a  
18 result of this arrest, the excessive force  
19 you're claiming is high blood pressure, loss of  
20 weight, and back pain?

21 A. Continuous back pain.

22 Q. Okay.

23 A. I don't know what other injuries might  
24 have sustained after, you know, 'cause  
25 sometimes it don't really happen upon you until

1 later on in your age, you know.

2 Q. Okay.

3 A. But I was hit by a truck. And if you  
4 wasn't an attorney, I'm not bringing the  
5 question to you as that, but if something hit  
6 you, you know if it hit you moving or not. You  
7 know, you're running to --- if you run into a  
8 parked vehicle, you don't just run in and bump  
9 off like that or fall, you know.

10 Q. Were you running when the van hit you?

11 A. I was moving back toward ---

12 Q. Right.

13 A. --- the Mail Boxes Etc.

14 Q. When you say moving, is moving you were  
15 crawling, you were just casually strolling, or  
16 were you hustling?

17 A. No, I was trying to move away from these  
18 guys. I mean, you know, they looked like thugs  
19 to me.

20 Q. Did you have any kind of speed at all?

21 A. I wasn't flying. I wasn't flying. And I  
22 have an objection to that.

23 Q. Okay. I'm not trying to find out for  
24 criminal trial. I'm just trying to find out  
25 how fast you were going.

1 A. I was just moving briskly, you know.

2 Q. Moving briskly?

3 A. Yep.

4 Q. That's fine.

5 A. Probably going back to --- you know, I was  
6 going back to the Mail Boxes Etc. I was  
7 running from both. I had a fear of bodily  
8 injury.

9 Q. Right.

10 A. You know. I don't know what kind of other  
11 injury I might've sustained, but ---.

12 Q. Okay. Just again, forgive me if I've  
13 asked this, the injuries you sustained as a  
14 result of the excessive force that you know of  
15 right now, are high blood pressure, weight  
16 loss, continuous back pain. And that's it for  
17 now, you're saying maybe in the future  
18 something else will come up that you don't know  
19 about?

20 A. (Indicates yes).

21 Q. Okay.

22 A. They didn't take me to the doctor, so I --  
23 --.

24 Q. Did you ask to go to the doctor?

25 A. I didn't get anything straight. I

1 was ---.

2 Q. Did you ask to go to the doctor?

3 A. I wasn't not ---.

4 Q. You hadn't what?

5 A. I was denied access to any of the --- I  
6 was denied access to any outside sources by  
7 James Morgan.

8 Q. Did you ask him to go to a hospital or to  
9 see a doctor at all when you were arrested?

10 A. They didn't ask me.

11 Q. I know. I'm not asking if they asked you.  
12 I'm asking if you asked.

13 A. I asked a lot of things. I wasn't able to  
14 get them.

15 Q. Did you ask them to go to a hospital to  
16 see a doctor when you were arrested?

17 A. I do not remember.

18 Q. You don't remember, okay. Now, you said  
19 you asked for a lawyer, you were denied one.

20 A. Right.

21 Q. So you asked for a lawyer, but yet you  
22 didn't ask for a doctor or hospital. So you  
23 were clearly able to make requests; right, at  
24 least according to you. I mean, you weren't  
25 gagged or anything; were you?



1 A. No, after I come in contact with --- you  
2 know, I was taken to the police station, you  
3 know, you're in the police station, what else  
4 are you going to ask but you want an attorney?  
5 You want somebody.

6 Q. Well, if you're just been hit by a moving  
7 vehicle and you're seriously injured, the first  
8 thing you may ask for is a doctor or hospital,  
9 you know, not your lawyer.

10 A. Well, the motive wasn't about the injuries  
11 I had sustained, the motive was they charged me  
12 with a crime that I didn't --- I don't know  
13 nothing about. That was their motive, you  
14 know. And I asked, you know, what was  
15 important then.

16 Q. Right.

17 A. You know, what was important then was to  
18 find me help to get --- you know, to defend me,  
19 you know.

20 Q. No. I understand, and that's ---.

21 A. Instead of Mr. Morgan ---.

22 Q. That's for your criminal dealing, I  
23 understand that. I'm not here to determine  
24 what their motive was for ---.

25 A. Yeah, but that was the motive.

1 Q. I'm talking about the excessive force  
2 arrest.

3 A. Yeah.

4 Q. And I'm trying to figure out what injuries  
5 you sustained, you know, and how come you  
6 didn't ask for a hospital, or a doctor, or any  
7 kind of help, when you were asking for your  
8 lawyer, you know. I'm just trying to figure  
9 out why that is if you were hurt, you know,  
10 because that's ---.

11 A. You know what I'm talking about, you might  
12 take it I was hit, but I wasn't even taking ---  
13 it's useless, you know. It was like, I wasn't  
14 just thinking of a frivolous lawsuit against  
15 these --- they're doing their job, you know.

16 Q. Right.

17 A. I'm not trying to bring a frivolous  
18 lawsuit or something ---.

19 Q. I'm sure you're not.

20 A. If I didn't --- wasn't hit by the van, or  
21 move my --- they trampling on me, we wouldn't  
22 even be here today.

23 Q. Okay.

24 A. You know.

25 Q. When they were tramping on you, was that

1 in the course of them trying to handcuff you?

2 A. I was handcuffed already.

3 Q. As soon as the van hit you, you were  
4 handcuffed?

5 A. As soon as the van hit me and I got up ---  
6 I fell on the ground, I was wrestled by  
7 Westmoreland, Morgan, and I think Petticord was  
8 there, Craul, Craul was there --- Craul, what's  
9 his name?

10 Q. Craul.

11 A. Craul. Craul was there. And I can  
12 remember they had my face downward --- downward  
13 and, you know ---. My glasses was off  
14 somewhere, I don't know where that was, but I  
15 was handcuffed, 'cause I submitted after I  
16 found out, you know, that these guys coming up  
17 on me and I submitted myself easily. I wasn't  
18 fighting or nothing.

19 Q. Why did you submit if you didn't know they  
20 were police?

21 A. I mean, after the commotion and I got ---  
22 there's three, four, five guys on me, why am I  
23 going to fight them anymore. I submitted to  
24 them.

25 Q. And you're saying even at that point, you

1 had no idea they were police officers?

2 A. Yes. Was when the handcuffs went on me I  
3 realized that, you know, hey, they're probably  
4 police, I'm not sure.

5 Q. Okay. So you realized when the handcuffs  
6 were on that they were police officers or law  
7 enforcement officers?

8 A. They didn't have no police clothing on.

9 Q. Now, who specifically handcuffed you? Do  
10 you remember?

11 A. I don't remember. I think it was Craul or  
12 Peddicord.

13 Q. Craul or Peddicord actually handcuffed  
14 you?

15 A. Yeah, I'm not sure. I do not remember.

16 Q. So to go through the sequence, you and the  
17 van made contact, you fall down, and as you're  
18 getting up, you say about four people came and  
19 tackled you. Who were those four people?

20 A. You have Westmoreland, ---

21 Q. Okay.

22 A. --- Morgan, ---

23 Q. Okay.

24 A. --- Craul, ---

25 Q. Okay.

1 A. --- Peddicord, ---

2 Q. Okay.

3 A. --- and I don't --- Mr. Kessler was the --  
4 - well, I can't tell if he --- but I don't ---  
5 I can't tell if he, you know, what he was  
6 doing.

7 Q. Right. Okay. So these four people, you  
8 say tackled you and put you back down on the  
9 ground?

10 A. Yeah.

11 Q. Okay. And then what happened as soon as  
12 you get back on the ground? Is that when the  
13 handcuffs go on?

14 A. Yeah, I think so.

15 Q. Okay. And that was either by Craul or ---  
16 or who else?

17 A. Peddicord.

18 Q. Craul or Peddicord. You're not sure which  
19 one of them put the handcuffs ---?

20 A. And then they had their shoes on me and  
21 they stuck, you know, ---.

22 Q. While they were trying to handcuff you?

23 A. Oh, I was already handcuffed.

24 Q. They were just putting their shoes on you  
25 after you were handcuffed?

1 A. Yes.

2 Q. Who was putting their shoes on you?

3 A. I know there was some extra shoes. I'm  
4 not sure.

5 Q. Were you handcuffed face-up or face-down?  
6 Were you down on the ground ---?

7 A. I was face-down.

8 Q. Okay.

9 A. When I was looking up, I knew Morgan had  
10 his shoes on me, Westmoreland had his shoes on  
11 me.

12 Q. When you say, had their shoes, meaning ---

13 A. Boots.

14 Q. Were they repeatedly hitting you in the  
15 face or were they using their boots to hold you  
16 down or were they jumping on you? I mean,  
17 explain exactly what happened. You're saying,  
18 their boots. What happened? Because, again,  
19 you know, if they were kicking you in the face  
20 and jumping up and down on you, I would suspect  
21 you to sustain some injuries.

22 A. I wasn't saying they were kicking on me.  
23 They had their boots on me.

24 Q. Okay.

25 A. Why would I say they were kicking me.

1 Q. Okay. So they weren't kicking you, but  
2 they had their boots on you. Were they holding  
3 you down with their boots? Is that what it  
4 was?

5 A. I guess so. I'm not sure.

6 Q. Okay. And who could you see with their  
7 boots on you?

8 A. I know Morgan, Westmoreland, Craul.

9 Q. Okay. All these gentleman had all the  
10 boots on you at the same time? So Morgan,  
11 Westmoreland, Craul ---.

12 A. I feel like I was, you know, been violated  
13 and, you know, when I realized, you know, shoes  
14 all over me, stepping on me, that's when I  
15 ---.

16 Q. Now, what about the other Defendants? You  
17 said, we have the boots on you, Morgan,  
18 Westmoreland, Craul ---.

19 A. Kessler was there. I'm not sure, I  
20 couldn't see.

21 Q. So it's fair to say that Kessler, you  
22 know, he didn't handcuff you, he didn't have  
23 his boots on you, yet you know he was there,  
24 what did he do, I mean, besides just being  
25 there? I mean, you just always kind of say,



1 well I encountered --- I saw him. What exactly  
2 did Kessler do in the excessive force claim? I  
3 mean, his boots weren't on you, he didn't  
4 tackle you, he didn't cuff you; what did he do?

5 A. I know one thing he did.

6 Q. What's that?

7 A. He took my glasses off the floor.

8 Q. He had your glasses?

9 A. Yeah. He had my glasses off. My glasses  
10 was, you know ---.

11 Q. When you got tackled, your glasses fell on  
12 the floor there?

13 A. Yeah.

14 Q. Okay. And what did he do with your  
15 glasses? You said he picked the glasses up.  
16 What did he do with them? Smash them or ---?

17 A. I think he gave them to me.

18 Q. But he gave you your glasses? Okay. I  
19 mean, that might not be excessive force; right?

20 A. I mean, you know, but he was a supervisor,  
21 you know.

22 Q. Well, I'm trying to find out what each of  
23 these people did to you. You've named separate  
24 guys and Defendants.

25 A. He was a supervisor.

1 Q. Well, I mean, you know ---.

2 A. I mean, if he's a supervisor and he sees a  
3 subordinate attacking or abusing somebody,  
4 supposed to step in.

5 Q. So you named him in the excessive force  
6 claim because he was the supervisor and ---.

7 A. He should have stopped that hitting me.

8 Q. Did at any time you hear him ordering them  
9 to just jump on you or anything like that?

10 A. No.

11 Q. Okay. Okay. Let's talk about ---.

12 A. 'Cause it was an instant situation, and  
13 he's offering me to recollect. I'm trying to  
14 go back from 2001 to remember.

15 Q. Sure.

16 A. You know, and it's kind of hard. It's  
17 hard, you know. Just remember, I'm just  
18 speaking from the truth what I remember, you  
19 know, that's basically ---.

20 Q. All right. Now, here's another name that  
21 hasn't come up. It's Gene Fells.

22 A. I don't remember seeing --- I don't  
23 remember, you know, he was another Defendant  
24 there, but I don't remember.

25 Q. I don't either. I don't even think he was